



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/150,251	09/10/98	ZLOTER	172723

022862  
GLENN PATENT GROUP  
3475 EDISON WAY  
SUITE L  
MENLO PARK CA 94025

TM11/1019

EXAMINER  
SHANKAR, V

ART UNIT  
2673

PAPER NUMBER

DATE MAILED: 10/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on CPA filed on 8-22-00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 29-31 is/are pending in the application.
- Of the above claim(s) 1-28, 32, 33 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 29-31 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☒ received in Application No. (Series Code/Serial Number) 09/030,825
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Continued Prosecution Application*

1. The request filed on 8-22-00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/150,251 is acceptable and a CPA has been established. An action on the CPA follows.

### *Drawings*

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farel et al (4,697,050) in view of Stefik et al (4,814,552).

Regarding Claim 29, Farel et al (provided in first office action) teaches a transmitter device (30 in fig.2) for use with a system for digitizing operative strokes of a drawing implement,

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the drawing implement having a body, an operative drawing tip, and a rear end opposite the operative drawing tip, the transmitter device comprising a housing having a front end and a rear end, the front end having an aperture, the housing including a removable cover portion for receiving a portion of the body of the drawing implement within the housing, with the operative drawing tip extending through the aperture (Figs. 2-3; summary; col.2, line 50 - col.3, line 68); a normally closed switch deployed so as to be opened by relative movement between the drawing implement and the housing resulting from the pressure applied to the operative drawing tip (Figs. 2-3; col.2, line 50- col.3, line 68); and a primary spring (42 in fig.2) deployed to bias the drawing implement to a forward position in which the normally closed switch is closed (Figs. 2-3; summary; col.2, line 50 - col.3, line 68). However, Farel et al does not teach the transmitter device is deployed to initiate transmission of a sequence of pulses in response to opening of the switch.

Stefik et al teaches the ultrasound position input device where the transmitter device is deployed to initiate transmission of a sequence of pulses in response to opening of the switch (Summary; Figs. 1A,1B,8; col.3, lines 22- 57; col.7, lines 1-40).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of invention to incorporate the teaching of Stefik et al into Farel et al for better handling of the drawing implement.

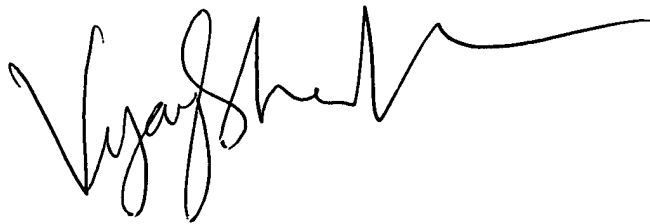
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Regarding Claim 30-31, Farel et al teaches that the transmitter comprises a secondary spring (32 in fig.2) deployed to act upon the drawing implement in a rearward direction so as to suspend the drawing implement within the housing (Figs. 2-3; col.2, line 50 - col.3, line 68).

5. Applicant's arguments with respect to claims 29-31 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703)305-4763.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group's new FAX number is (703)308-9051. This FAX number is to be used only for Group 2700 papers.

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long horizontal flourish extending to the right.

**VIJAY SHANKAR  
PRIMARY EXAMINER  
GROUP 2700**